

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3 SOUTHERN DIVISION

JS-6

4 DEALERTRACK, INC.,

5 *Plaintiff,*

6 vs.

7 DAVID L. HUBER, FINANCE  
8 EXPRESS LLC, and JOHN DOE  
DEALERS,

9 *Defendants.*

Case No. CV 07-215 AG (FMOx)

*consolidated With* Case No. CV06-2335  
AG (FMOx) *and* Case No. CV06-6864  
AG (FMOx)

**JUDGMENT IN FAVOR OF  
DEFENDANTS ROUTEONE LLC  
AND FINANCE EXPRESS LLC**

10 DEALERTRACK, INC.,

11 *Plaintiff,*

12 vs.

13 ROUTEONE LLC, DAVID L. HUBER,  
14 and FINANCE EXPRESS LLC,

15 *Defendants.*

DYKEMA GOSSETT LLP  
333 SOUTH GRAND AVENUE  
SUITE 2100  
LOS ANGELES, CALIFORNIA 90071

17  
18 WHEREAS, defendant RouteOne LLC ("RouteOne") filed and this  
19 Court granted a motion for summary judgment pursuant to Rule 56, Fed. R. Civ. P.,  
20 for invalidity of claims 25 and 32 of U.S. Patent No. 5,878,403 (Docket Nos. 377 and  
21 551);

22 WHEREAS, RouteOne and defendant Finance Express LLC ("Finance  
23 Express") filed and this Court granted motions for summary judgment pursuant to  
24 Rule 56, Fed. R. Civ. P., for non-infringement by RouteOne and Finance Express of  
25 claims 7-9, 12, 14 and 16-17 of U.S. Patent No. 6,587,841 (Docket Nos. 370, 551,  
26 705, 771);

1 WHEREAS, RouteOne and Finance Express jointly filed and this Court  
2 granted a motion for summary judgment pursuant to Rule 56, Fed. R. Civ. P., for  
3 invalidity of claims 1, 3 and 4 of U.S. Patent No. 7,191,427 (Docket No. 711, 770);

4 WHEREAS, RouteOne filed and this Court granted a motion for  
5 summary judgment pursuant to Rule 56, Fed. R. Civ. P., for noninfringement of U.S.  
6 Patents Nos. 5,878,403, 6,587,841 and 7,191,427 by RouteOne's Messenger system  
7 and service (Docket No. 551);

8 WHEREAS, this action was dismissed as against David L. Huber by  
9 agreement and stipulation of all parties;

10 WHEREAS, DealerTrack, RouteOne and Finance Express have filed a  
11 stipulation pursuant to Rule 41(a)(1)(A)(ii), Fed. R. Civ. P., dismissing without  
12 prejudice as moot all other claims and counterclaims raised by the pleadings;

13 WHEREAS, in view of the foregoing dismissals there are no further  
14 matters raised by the pleadings that require adjudication by the Court;

15 THEREFORE, IT IS HERBY ORDERED, ADJUDGED AND  
16 DECREED that Judgment is hereby entered in favor of RouteOne and Finance  
17 Express and against DealerTrack.

18 IT IS ALSO ORDERED, ADJUDGED AND DECREED that:

- 19 (1) claims 25 and 32 of U.S. Patent No. 5,878,403 are invalid;  
20 (2) claims 7-9, 12, 14 and 16-17 of U.S. Patent No. 6,587,841 are not  
21 infringed by RouteOne or Finance Express;  
22 (3) claims 1, 3 and 4 of U.S. Patent No. 7,191,427 are invalid; and  
23 (4) U.S. Patents Nos. 5,878,403, 6,587,841 and 7,191,427 are not infringed  
24 by RouteOne based on its Messenger system and service.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that,  
26 pursuant to Local Rule 54-2.2, RouteOne and Finance Express are the prevailing  
27 parties. RouteOne and Finance Express shall each file its separate Bill of Costs  
28

1 within fifteen (15) days after entry of this Judgment in accordance with the Local  
2 Rules.

3  
4 Dated: August 11, 2009



5 United States District Judge  
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